



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2016 Rhif 1072 (Cy. 257)

2016 No. 1072 (W. 257)

CAFFAEL TIR, CYMRU

**ACQUISITION OF LAND,
WALES**

DIGOLLEDU

COMPENSATION

**Rheoliadau Taliadau Colli Cartref
(Symiau Rhagnodedig) (Cymru)
2016**

**The Home Loss Payments
(Prescribed Amounts) (Wales)
Regulations 2016**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn, sy'n gymwys o ran Cymru, yn cynyddu uchafsymiau ac isafsymiau'r taliadau colli cartref sy'n daladwy o dan Ddeddf Digollediad Tir 1973 ("y Ddeddf") i'r rhai sy'n meddiannu annedd sydd â buddiant perchennog. Mae'r Rheoliadau hyn yn cynyddu hefyd swm y taliad colli cartref sy'n daladwy o dan y Ddeddf mewn unrhyw achos arall.

These Regulations, which apply in relation to Wales, increase the maximum and minimum amounts of home loss payments payable under the Land Compensation Act 1973 ("the Act") to those occupying a dwelling who have an owner's interest. These Regulations also increase the amount of home loss payment payable under the Act in any other case.

Mae hawl gan berson a ddadleolir o annedd drwy brynu gorfodol neu o dan amgylchiadau eraill a bennir yn adran 29 o'r Ddeddf i gael taliad colli cartref.

A person who is displaced from a dwelling by compulsory purchase or in other circumstances specified in section 29 of the Act is entitled to a home loss payment.

Mewn achosion pan fo gan berson sy'n meddiannu annedd ar ddyddiad y dadleoli fuddiant perchennog, mae adran 30(1) o'r Ddeddf yn darparu bod swm y taliad colli cartref yn cael ei gyfrifo fel canran o werth y buddiant hwnnw ar y farchnad, a hynny'n ddarostyngedig i uchafswm ac isafswm.

Section 30(1) of the Act provides that in cases where a person occupying a dwelling on the date of displacement has an owner's interest, the amount of home loss payment is calculated as a percentage of the market value of that interest, subject to a maximum and minimum amount.

Mae adran 30(2) o'r Ddeddf yn pennu swm y taliad colli cartref mewn unrhyw achos arall.

Section 30(2) of the Act specifies the amount of the home loss payment in any other case.

Mae rheoliad 2(a) o'r Rheoliadau hyn yn cynyddu'r uchafswm sy'n daladwy o dan adran 30(1) o'r Ddeddf o £53,000 i £55,000 ac mae rheoliad 2(b) yn cynyddu'r isafswm o £5,300 i £5,500.

Regulation 2(a) of these Regulations increases the maximum amount payable under section 30(1) of the Act from £53,000 to £55,000 and regulation 2(b) increases the minimum amount from £5,300 to £5,500.

Mae rheoliad 2(c) yn cynyddu'r taliad colli cartref sy'n daladwy, o dan adran 30(2) o'r Ddeddf, mewn unrhyw achos arall o £5,300 i £5,500.

Regulation 2(c) increases the home loss payment payable, under section 30(2) of the Act, in any other case from £5,300 to £5,500.

Mae'r symiau diwygiedig yn gymwys pan fo'r dadleoli'n digwydd ar 5 Rhagfyr 2016 neu ar ôl hynny.

Mae rheoliad 3 yn dirymu, gydag arbedion, Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2015.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The revised amounts apply where the displacement occurs on or after 5 December 2016.

Regulation 3 revokes, with savings, the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2015.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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2016**

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Regulations 2016**

Gwnaed 7 Tachwedd 2016

Made 7 November 2016

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 11 Tachwedd 2016

*Laid before the National Assembly
for Wales* 11 November 2016

Yn dod i rym 5 Rhagfyr 2016

Coming into force 5 December 2016

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn, drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adran 30(5) o Ddeddf Digollediad Tir 1973(1) ac sy'n arferadwy bellach ganddynt hwy o ran Cymru(2):

The Welsh Ministers make the following Regulations in exercise of the powers conferred upon the Secretary of State by section 30(5) of the Land Compensation Act 1973(1) and now exercisable by them in relation to Wales(2):

Enwi, cychwyn, cymhwyso a dehongli

Title, commencement, application and interpretation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2016 a deuant i rym ar 5 Rhagfyr 2016.

1.—(1) The title of these Regulations is the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2016 and they come into force on 5 December 2016.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

(3) Yn y Rheoliadau hyn ystyr "y Ddeddf" ("the Act") yw Ddeddf Digollediad Tir 1973.

(3) In these Regulations "the Act" ("y Ddeddf") means the Land Compensation Act 1973.

(1) 1973 p. 26; amnewidiwyd adran 30 gan adran 68(3) o Ddeddf Cynllunio a Digolledu 1991 (p. 34) gydag effaith o 25 Medi 1991 (*gweler* erthygl 3 o O.S. 1991/2067).

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 30, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru gan erthygl 2 o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac Atodlen 1 iddo. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adran 30 i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(1) 1973 c. 26; section 30 was substituted by section 68(3) of the Planning and Compensation Act 1991 (c. 34) with effect from 25 September 1991 (*see* S.I. 1991/2067, article 3).

(2) The functions of the Secretary of State under section 30 were, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2; and Schedule 1. The functions of the National Assembly for Wales under section 30 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Diwygio symiau rhagnodedig ar gyfer y taliad colli cartref

2. Pan fo dyddiad y dadleoli ar 5 Rhagfyr 2016 neu ar ôl hynny—

- (a) £55,000 yw uchafswm rhagnodedig y taliad colli cartref at ddibenion adran 30(1) o'r Ddeddf;
- (b) £5,500 yw isafswm rhagnodedig y taliad colli cartref at ddibenion adran 30(1) o'r Ddeddf; ac
- (c) £5,500 yw swm rhagnodedig y taliad colli cartref at ddibenion adran 30(2) o'r Ddeddf.

Dirymu ac arbedion

3.—(1) Yn ddarostyngedig i baragraff (2), mae Rheoliadau Taliadau Colli Cartref (Symiau Rhagnodedig) (Cymru) 2015(1) wedi eu dirymu.

(2) Bydd y Rheoliadau a grybwyllwyd ym mharagraff (1) yn parhau i gael effaith mewn perthynas â dadleoli sy'n digwydd cyn 5 Rhagfyr 2016.

Revision of prescribed amounts for home loss payment

2. When the date of displacement is on or after 5 December 2016—

- (a) the prescribed maximum amount of home loss payment for the purposes of section 30(1) of the Act is £55,000;
- (b) the prescribed minimum amount of home loss payment for the purposes of section 30(1) of the Act is £5,500; and
- (c) the prescribed amount of home loss payment for the purposes of section 30(2) of the Act is £5,500.

Revocation and savings

3.—(1) Subject to paragraph (2), the Home Loss Payments (Prescribed Amounts) (Wales) Regulations 2015(1) are revoked.

(2) The Regulations mentioned in paragraph (1) will continue to have effect in relation to a displacement occurring before 5 December 2016.

Carl Sargeant

Ysgrifennydd y Cabinet dros Gymunedau a Phlant, un o Weinidogion Cymru
7 Tachwedd 2016

Cabinet Secretary for Communities and Children, one of the Welsh Ministers
7 November 2016

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(1) O.S. 2015/1878 (Cy. 275).

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